

05.08.2021
Court No. 19
Item no.05
CP

WPA 9834 of 2021

Ram Chandra Marik
Vs.
The State of West Bengal & ors.

(via video conference)

Ms. Pampa Dey (Dhabal)

.....for the petitioner.

Mr. Bibek Jyoti Basu
Mr. Uttam Kumar De

....for the State respondents.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the panchayat authorities and the respondent no. 8.

It appears that not only the writ petition but also the notice of mentioning has been served upon the panchayat authorities as also the respondent no. 8.

The allegation of the petitioner is that the respondent no. 8 has been constructing over a plot located at Dag No. 1589, Mouza- Avirampur, J. L. No. 109, Police Station – Joypur, District – Bankura. It is the contention of the petitioner that the said construction is being carried on without any sanction plan or permission from the panchayat authorities.

Mr. Basu, learned advocate appearing for the State respondents, submits a report prepared by the

concerned police station which reflects that the police authorities on the basis of the complaint received from the petitioner made an enquiry and submitted a prosecution under Section 107 of the Code of Criminal Procedure. The allegation of the petitioner is violation of the provisions of Section 23 of the West Bengal Panchayat Act, 1973.

This writ petition is disposed of with a direction upon the competent authority of the Gelia Gram Panchayat to dispose of the representation of the petitioner dated March 31, 2021, being Annexure P-6 to the writ petition. The competent authority of the gram panchayat shall decide the issues in accordance with law. An inspection of the premises shall be held in order to ascertain whether the allegations of the petitioner are correct. The said inspection shall be held in the presence of the parties and the report shall be supplied to the parties. Thereafter, the panchayat authorities shall reach the proceedings to its logical conclusion upon giving an opportunity of hearing to all concerned to represent their respective cases. A reasoned order shall be passed and communicated.

The entire exercise and all subsequent actions shall be completed within a period of four months from the date of communication of this order.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)